

Racial bloc voting analysis DRAFT RFP – language as adopted at the 12/10 commission meeting  
**SCHEDULE OF EVENTS**

<b>EVENT</b>	<b>DATE</b>
Deadline for Receipt of Written Questions	TBD, 2022
Deadline for Posting Written Responses to the State's Website	TBD, 2022
RFP Response Due Date	TBD, 2022 (5 weeks from issuance)
Intended Date for Contract Award (Optional)*	TBD, 2022
*The dates above identified by an asterisk are included for planning purposes. These dates are subject to change.	

**Introduction**

The Montana Districting and Apportionment Commission (commission) is a five-member, citizen commission created by the Montana Constitution to draw congressional and state legislative districts after each decennial census. The nonpartisan Montana Legislative Services Division (LSD) is assigned to provide administrative and technical support to the commissioners. The commission will present a state legislative redistricting plan to the Montana Legislature at the beginning of the 68<sup>th</sup> Legislative Session that starts in January 2023. After receiving recommendations from the Legislature, the commission can adjust and will finalize the state legislative districts for use in the 2024 election cycle. After filing the final state legislative plan with the Montana Secretary of State, the commission is dissolved.

Montana's geographical boundaries contain 8 federally recognized American Indian tribal governments. According to the 2020 Census redistricting data released in accordance with Public Law 94-171 (P. L. 94-171), at least 9.3% of the state's population reported being American Indian or Alaska Native either alone or in combination with some other race. According to information provided to the Montana Legislature by legislators, a total of 12 legislators who served in the 2021 Legislature were American Indian, or a total of 8% of the 150-member body.

To ensure compliance with Section 2 of the Voting Rights Act, the commission desires an experienced technical contractor to furnish technical consulting services to complete a racial bloc voting analysis for the State of Montana for use in state legislative redistricting. The findings of current racial bloc voting analysis will help the Commission to better understand voting patterns and differential turnout rates of unique racial and/or ethnic groups across Montana and assist in determining Montana’s obligations in adherence to Section 2 of the Voting Rights Act.

Montana has complete coverage of voting districts (VTDs) for the 2020 Census but did not have complete VTD coverage for the 2010 Census. Of Montana’s 56 counties, 20 did not participate in the U.S. Census Bureau’s Voting District Project in 2010. Six of those counties include portions of five reservations. With adoption of the current legislative plan in 2013, counties adjusted/finalized current precinct lines prior to the 2014 election, with minimal precincts consolidation and splitting since 2013.

**Scope of Work & Contractor Responsibilities:**

The contractor's services must include the following tasks:

1. Compile a database of relevant precinct-level election returns for the State of Montana for the purpose of performing a racial bloc voting analysis under Task 3 for use in state legislative redistricting. Precinct-level election returns are available in exportable, Excel (.xlsx) format at <https://sosmt.gov/elections/results/>.
2. Provide guidance to the commission to assist it in determining relevant elections, specific regions, and preferred candidates to use in the analysis conducted under Task 3.
3. Conduct a racial bloc voting analysis using standard statistical techniques and best practices to determine the existence and extent of racially polarized voting in the state for state legislative elections.
4. Deliver a written mid-progress report to the commission when the contractor has completed 50% or more of the work required under this scope of work. The report should detail the methodology used, include a discussion of the results, elaborate on difficulties encountered, and list time spent on each step. In addition, the mid-progress report must provide a narrative description and analysis of the preliminary results of the racial bloc voting analysis.
5. Deliver a written final report to the commission according to the deadline provided in Task 8. The report should

detail the methodology used, include a discussion of the results, elaborate on difficulties encountered, and list time spent on each step. In addition, the report must provide a narrative description and analysis of the final results of the racial bloc voting analysis.

6. Make an oral presentation of findings to the commission via Zoom and responding to the commission's questions relating to the analysis.
7. Complete all work under tasks 1 through 6 no later than **XXXXXXXXXX**, 2022.

### **Add-On Services:**

Add-on services may include:

- A. if the analyses indicate the existence of legally significant racial bloc voting, assisting the commission to determine if one or more proposed redistricting plans may comply with Section 2 of the Voting Rights Act.
- B. serving as an expert witness for the commission on Voting Rights Act issues in any court challenges to the commission's plan that occur before the commission submits its final plan to the Montana Secretary of State and is dissolved, as required in the Montana Constitution.

### **Commission Responsibilities:**

- Provide guidance to questions from the contractor.  
Respond to contractor questions during the contract period to ensure the contractor has the guidance necessary to complete the task.

### **RFP RESPONSE**

To enable the commission to determine the capabilities of an offeror to perform the racial bloc voting analysis and other technical services required by this RFP, the offeror shall respond to each of the following sections regarding its ability to meet the commission's requirements.

Each item in each of the following sections must be thoroughly addressed. Offerors taking exception to any requirements listed in the following sections may be found nonresponsive or be subject to point deductions.

### **TECHNICAL PROPOSAL FOR SERVICE PROVISION**

The offeror must provide a technical proposal for the tasks 1 through 6 described under the Scope of Work. The technical proposal must describe the offeror's methodology, including any statistical analytical methodology, used to perform each of the required tasks.

### **IMPLEMENTATION MILESTONES AND TIMELINE**

The offeror must provide a description of the timeline and milestones it proposes to complete the work, including whether it can meet the timeline provided in task 7 under the Scope of Work. In addition, the offeror should provide an estimate of time required for each step in the Scope of Work.

### **NARRATIVE STATEMENT ON THE VOTING RIGHTS ACT OF 1965**

Provide a narrative statement illustrating understanding of the purpose and scope of the project, any pertinent issues and potential problems, and statements that illustrate understanding of the Voting Rights Act of 1965 and the impact of subsequent amendments and court decisions.

### **OFFEROR QUALIFICATIONS**

### **References**

Offeror shall provide a minimum of three references using the attached client reference form. The references must be from clients that are currently using or have previously received racial bloc voting analysis of the type proposed in this RFP.

The references may include state governments or other entities similar to the commission for whom the offeror, preferably within the last 10 years, has successfully completed a racial bloc voting analysis. At a minimum, the offeror shall provide the company name, location where the racial bloc voting analysis were provided, contact person(s), contact telephone number, e-mail address, and a complete description of the racial bloc voting analysis provided, and dates of service. These references may be contacted to verify offeror's ability to perform the contract. The State reserves the right to use any information or additional references deemed necessary to establish the ability of the offeror to perform the contract. Negative references may be grounds for proposal disqualification.

**Company Profile and Experience**

Offeror shall provide documentation establishing the individual or company submitting the proposal has the qualifications and experience to provide the specified in this RFP, including, at a minimum:

- a detailed description of any similar past projects where the contractor prepared a racial bloc voting analysis, including a description of the services provided and dates the services were provided;
- the client for whom the services were provided; and
- a general description of the firm including its primary source of business, organizational structure and size, number of employees, years of experience performing racial bloc analyses and advising clients on redistricting issues.

**Resumes**

A resume or summary of qualifications, work experience, education, and skills must be provided for all key personnel, including any subcontractors, who will be performing any aspects of the contract. Include years of experience providing services similar to those required; education; and certifications where applicable. Identify what role each person would fulfill in performing work identified in this RFP.

**Equal Pay for Montana Women**

Executive Order No. 12-2016 promoting equal pay for Montana women directs the Department of Administration to include incentives in the RFP process for contractors who engage in best practices to promote wage transparency. These best practices include the following:

- a) posting salary ranges in employment listings;
- b) certifying that the contractor will not ask about wage history in employee interviews; and
- c) certifying that the contractor will not retaliate or discriminate against employees who discuss or disclose their wages in the workplace.

No, I do not agree.

Company Name (Clearly Printed): \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Statement of Compliance with Equal Pay for Montana Women**

Offeror indicating it will comply with Executive Order No. 12-2016 will receive 5% of the total points available. Offerors who do not comply will not receive the available points. Offerors are required to sign and upload a PDF copy of this certification with their proposal to certify compliance.

Yes, I agree and will comply with the best practices to promote wage transparency outlined in Executive Order No. 12-2016.

Company Name (Clearly Printed): \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **COST PROPOSAL**

The commission's budget for this work is \$40,000. The State would like an offeror to provide the total project cost with an itemized budget along with a narrative justification.

NOTE: Exceeding the amount of \$40,000 for the provision of services of Tasks 1 through 7 will result in a score of zero points for the cost proposal during the evaluation. The additional services

Separately, please provide an hourly rate for each add-on service (Tasks A & B under Add-On Services). Note: The proposal will not be scored on the provision of add-on services or the associated hourly rate.

### BASIS OF EVALUATION

The evaluator/evaluation committee will review and evaluate the offers according to the following criteria based on a total number of 1,000 points.

The Ability to Meet Provision of Services, References, Company Profile and Experience, Resumes, and Oral Presentation portions of the proposal will be evaluated based on the following Scoring Guide. The Cost Proposal will be evaluated based on the formula set forth below. The Cost Proposal will be evaluated based on the formula set forth below.

### SCORING GUIDE

In awarding points to the evaluation criteria, the evaluator/evaluation committee will consider the following guidelines:

*Superior Response (95-100%):* A superior response is an exceptional reply that completely and comprehensively meets all of the requirements of the RFP. In addition, the response may cover areas not originally addressed within the RFP and/or include additional information and recommendations that would prove both valuable and beneficial to the agency.

*Good Response (75-94%):* A good response clearly meets all the requirements of the RFP and demonstrates in an unambiguous and concise manner a thorough knowledge and understanding of the project, with no deficiencies noted.

*Fair Response (60-74%):* A fair response minimally meets most requirements set forth in the RFP. The offeror demonstrates some ability to comply with guidelines and requirements of the project, but knowledge of the subject matter is limited.

*Failed Response (59% or less):* A failed response does not meet the requirements set forth in the RFP. The offeror has not demonstrated sufficient knowledge of the subject matter.

### EVALUATION CRITERIA

Evaluated RFP Section	Weight (%) (determines aggregate points)
Technical proposal for service provision of tasks 1 through 7 under the Scope of Work, including methodology used.	25%
Implementation milestones and timelines, including provision of services by the timeline defined in task 7 under the Scope of Work	5%
Narrative Statement on the Voting Rights Act of 1965	5%
References	5%

Complete contact information provided.	Pass/Fail
Company Profile and Relevant Experience	25% Total
Company Profile and Years in Business	5%
Relevant Past Projects	20%
Resumes	5%
Equal Pay for Montana Women Certificate	5%
Cost Proposal	25%

The State shall score the cost proposal as follows:

Lowest overall cost receives the maximum allotted points. All other proposals receive a percentage of the points available based on their cost relationship to the lowest. Example: Total possible points for cost are 200. Offeror A's cost is \$20,000. Offeror B's cost is \$30,000. Offeror A would receive 200 points. Offeror B would receive 134 points ( $(\$20,000/\$30,000) = 67\% \times 200 \text{ points} = 134$ ).

Lowest Responsive Offer Total Cost      x      Number of available points = Award Points This Offeror's Total Cost

**CONTRACT**

Sample contract attached.